

**REMARKS**

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-3 and 41-46 were pending previous to this Reply. In this Reply, claims 41-44 are canceled and claims 47-51 are added. Therefore, claims 1-3 and 45-51 are pending. Claims 1 and 47 are independent.

**INTERVIEW CONDUCTED**

Applicants thank the Examiner for conducting an interview with Applicants' representative on June 15, 2005.

**§ 103 REJECTION – SCHNECK, AKYAMA, CONVENTIONAL ART**

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schneck et al. (US Patent No. 5,933,498) in view of Akiyama et al. (US Patent No. 5,784,464), and in further view of the Conventional Art described in the specification. Applicants respectfully traverse.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. See *M.P.E.P.* 2142. One requirement to establish *prima facie case* of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. See *M.P.E.P.* 2142;

*M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, independent claim 1 recites, in part “transmitting said key data from the digital data playing device to a unit of the source device through a network.” In other words, the receiver of the encrypted digital data (digital data playing device) provides the encryption key to the provider (source device) of the encrypted digital data so that the provider may encrypt the digital data using the key data.

The Examiner relied upon Schneck to teach or suggest this feature. However, as discussed during the June 15, 2005 Interview, Schneck cannot be so relied upon. Schneck actually discloses that the data encrypting key  $K_D$  is chosen by the distributor 102. See *Figure 4, step S402; Figure 7, step S700; column 12, lines 5-7, 20-22; column 13, lines 57-59*. In other words, the provider of the data selects the data encryption key  $K_D$  and encrypts data to be supplied to the user 104.

Thus, Schneck actually teaches away from the feature of transmitting the key data from the digital data playing device (the receiver of encrypted data) to the source device (the provider of the encrypted data).

Clearly, independent claim 1 is distinguishable over Schneck. Akiyama and the Conventional Art have not been relied upon to correct for at least the

above-noted deficiency of Schneck. Therefore, independent claim 1 is distinguishable over the combination of Schneck, Akiyama, and the conventional art.

Claims 2 and 3 depend from independent claim 1. Therefore, claims 2 and 3 are also distinguishable over the combination of Schneck, Akiyama, and the Conventional Art for at least the reasons stated above with respect to independent claim 1.

Applicants respectfully requests that the rejection of claims 1-3 based on Schneck, Akiyama, and the Conventional Art be withdrawn.

§ 103 REJECTION – SCHNECK, AKYAMA, CONVENTIONAL ART, MENEZES

Claims 40-46 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schneck, Akiyama, the Conventional Art, and in further view of Menezes et al. ("Handbook of Applied Cryptography" © 1997). The rejection with respect to claims 40-44 is moot since these claims have been canceled. With respect to claims 45 and 46, Applicants respectfully traverse the rejection.

Claims 45 and 46 depend from independent claim 1 directly or indirectly and it has been shown above that claim 1 is distinguishable over the combination of Schneck, Akiyama, and the Conventional Art. Menezes has not been, and indeed cannot be, relied upon to correct for at least the above noted

deficiencies of Schneck, Akiyama, and the Conventional Art. Therefore, independent claim 1 is distinguishable over the combination of Schneck, Akiyama, Conventional Art, and Menezes.

Applicants respectfully requests that the rejection of claims 45 and 46 based on Schneck, Akiyama, the Conventional Art, and Menezes be withdrawn.

#### NEW CLAIMS

Claims 47-51 have been added through this Reply. Applicants submit that the new claims are allowable over all prior art of record. For instance, independent claim 47 recites, in part “transmitting said key data from the digital data playing device to a unit of the source device through a network.” It has been clearly demonstrated above that none of the cited references, individually or in any combination, can be relied upon to teach or suggest at least this feature. Therefore, independent claim 47 is allowable over the prior art of record.

Claims 48-51 depend from independent claim 47. Therefore, for at least the reasons stated with respect to independent claim 47, these dependent claims are also allowable over the prior art of record.

Applicants respectfully request that the new claims be allowed.

**CONCLUSION**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petitions for a two (2) months extension of time for filing a reply in connection with the present application, and the required fee is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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